

# MANISTEE CITY PLANNING COMMISSION

70 Maple Street, Manistee, Michigan 49660

Meeting of Thursday, August 1, 2002  
7:00 p.m. - Council Chambers, City Hall

## AGENDA

- I Roll Call
- II Public Hearing
  - 1. Open Space Preservation Provisions - Zoning Amendment
  - 2.
- III Citizen Questions, Concerns and Consideration
- IV Approval of Minutes
  - Planning Commission Meeting (7/18/02)
- V New Business
  - 1. Open Space Preservation Provisions - Zoning Amendment
  - 2. CSX Real Property & B.N.C. Corp. - Parcel Split & Combination Request
  - 3.
- VI Unfinished Business
  - 1.
- VII Other Communications
- VIII Work/Study Session
- IX. Adjournment


### Speaking at Meetings:

Unless waived by the Commission for a specific meeting, any public comment shall be limited to five (5) minutes per speaker, one time only. If a group of people wish to be heard on one subject, a spokesperson may be appointed who may request that the Chairman approve more than the normal five (5) minutes. If necessary, a maximum of five (5) minutes will be allowed for the group to caucus to choose their spokesperson and develop their comments.

## MEMORANDUM

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TO: Planning Commission Members

FROM: Denise Blakeslee   
Secretary, Community Development

DATE: July 26, 2002

RE: Planning Commission Meeting August 1, 2002

The August Planning Commission Meeting will be on Thursday, August 1, 2002. Items on the agenda include:

1. Open Space Preservation Provisions - Zoning Amendment. A Zoning Amendment has been prepared to forward to City Council. A Public Hearing has been advertised and posted, and a copy has been available at the Office of the City Clerk for review. This public hearing will allow public comment regarding the Open Space Preservation Provisions Zoning Amendment. This amendment is being implemented to comply with the new Planning Act. The only two Zoning Districts where the Open Space Preservation Provisions would apply will be the R-1 Residential Zoning District and the R-2 Residential Zoning District. Enclosed is a copy of the proposed Zoning Amendment.
2. CSX Real Property/B.N.C. Corp - Parcel Split and Combination. A request has been received for a Parcel Split and Combination Request from Bob Lyman Real Estate Agent for CSX Real Property who is selling part of parcel 51-51-101-325-01 to B.N.C. Corp.. This request is to split part of parcel 51-51-101-325-01 located on the corner of Cleveland Street (U.S. 31) and Taylor Street from the parent parcel on the east side of Cleveland Street (U.S. 31) which will be retained by CSX Real Property. The property that will be split from the parent parcel (#51-51-101-325-01) will then be combined with parcels 51-51-146-724-01 and 51-51-146-725-19 into one parcel which will be owned by B.N.C. Corp. The City Assessor and/or Equalization Department will then assign a parcel number to the property. Review of the request shows that the requirements of the Zoning Ordinance have been met. A copy of the request is enclosed for your review.

If you are unable to attend please call me at 723-2558. See you at the meeting!

AN ORDINANCE TO AMEND IN PART  
AN ORDINANCE ENTITLED "MANISTEE CITY ZONING  
ORDINANCE" WHICH WAS ADOPTED MAY 1, 1990, AS AMENDED,  
TO AMEND THE MANISTEE CITY ZONING ORDINANCE  
ARTICLE 5: DEFINITIONS - ADD BUILDABLE AREA and PARENT PARCEL DEFINITIONS  
ARTICLE 10: GENERAL REGULATIONS - ADD SECTION 1082 PARCEL REGULATIONS  
ADD OPEN SPACE PRESERVATION PROVISIONS LANGUAGE TO ALL RESIDENTIAL  
ZONING DISTRICTS, TRANSITION DISTRICT AND MULTIPLE USE DISTRICT

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THE CITY OF MANISTEE, MANISTEE COUNTY, MICHIGAN, ORDAINS:

1. That Article 5: Definitions be amended to add a definition for Buildable Area and Parent Parcel as follows:

**BUILDABLE AREA** means an area of a parcel which is of sufficient size and character so as to support a principal structure and a reasonable use of the property without being in violation of any local, state or federal environmental or other regulations adopted to protect the public health, safety or general welfare. Buildable area shall not include any wetland, 100-year flood plain, high risk erosion area, drainage way, lake or similar natural feature which poses an impediment or hazard to safe construction or use of property without sufficient upland property to meet ordinance requirements. Contour changes to create a Buildable area are permissible only if not contrary to this ordinance, or any other state or federal statute.

**PARENT PARCEL** means a parcel of record on the effective date of this ordinance amendment, or the "parent parcel" or "parent tract" as defined by the Michigan Land Division Act, (M.C.L. 650.101 *et. seq.*).

2. That Article 10: General Regulations be amended to add Section 1082 Parcel Regulations as follows:

**1082. PARCEL DIVISIONS**

A. New parcels created shall conform with both Section 1082 of this Ordinance and the applicable provisions of one of the following development options. In addition the splitting and combining of one adjacent parent parcel with another is allowed, conditioned on both parent parcels not having been split previously under either development option listed below. In these cases the resulting reconstituted parent parcels shall be the basis for further allowable land divisions.

1. Development Option 1, (available only if approved by the Zoning Administrator) Country Properties: A maximum of 80 percent of any parent parcel buildable area may be divided into new parcels averaging not less than 10,000 square feet in area. The remaining 20

percent of the parent parcel shall be kept as open space in perpetuity by conservation easement, plat dedication, restrictive covenant, or other legal means acceptable to the Zoning Administrator.

2. Development Option 2, Conservation Planned Unit Development: A maximum of 80 percent of any parent parcel buildable area may be divided into new parcels averaging not less than 10,000 square feet in area. The remaining 20 percent of the parent parcel shall be kept as open space in perpetuity by conservation easement, plat dedication, restrictive covenant, or other legal means acceptable to the Planning Commission.
  - a. Eligibility: Parent parcels not previously split may be developed per this option.
  - b. Minimum Conservation Land Requirement: The development density which would normally be realized on the entire parent parcel shall be transferred to the area of the parent parcel which is not the 20 percent of the parent parcel which shall be kept as open space in perpetuity by conservation easement, plat dedication, restrictive covenant, or other legal means.
  - c. Determining Maximum Allowable Parcel Divisions: The maximum number of new parcels which may be created within the parent parcel shall be the same number calculated by dividing the total area of the parent parcel which is buildable area by the minimum parcel area required in the respective zoning district. To illustrate this density a conceptual plan of division of the parent parcel shall be submitted by the applicant to the administrator. This plan shall contain proposed parcels, roads, rights-of-way, areas which are not in the buildable area, and other pertinent features. This plan must be drawn to scale, but does not need to be based on a field survey.
  - d. Siting Criteria for new Parcels: Diversity and originality in parcel layout shall be encouraged to achieve the best possible relationship between Buildable and Conservation Lands (section 1082.A.2.b of this Ordinance) areas. The Planning Commission shall valuate proposals to determine whether the proposed site plan meet the following site plan criteria contained elsewhere in this Ordinance:
    - (1) Protects and preserves all beach contiguous to a lake or stream, wetland, flood plain, existing public utility easements, existing public rights-of-way, waterfront setback areas, and slopes over 25 percent. (Including a buffer area around such areas) from clearing, grading, filling, and construction.
    - (2) Maintains or creates an upland buffer of natural native species vegetation of at least one hundred (100) feet in depth adjacent to wetlands and surface waters.
    - (3) Leaves scenic views and vistas unblocked and uninterrupted, particularly as seen from adjacent roads and surface water.
    - (4) Avoids siting new construction on prominent hilltops or ridges, by taking advantage of lower topographic features or by siting in forested areas.
    - (5) Protects wildlife habitat areas of species listed as endangered, threatened or of special local concern.
    - (6) Designs around and preserves sites of historic, archaeological, or cultural value, insofar as needed to safeguard the character of the feature.
    - (7) Protects rural roadside character and improves public safety and vehicular carrying capacity by avoiding development fronting directly onto existing public roads. Establishes buffer zones along the scenic corridor of rural roads with historic buildings, stone walls, hedgerows, and so on.

- (8) Provides that Conservation Lands (section 1082.A.2.b of this Ordinance) shall be reasonable and contiguous. While Conservation Lands are exempt from the 4 to 1 maximum parcel depth to width ratio, fragmentation of these lands shall as much as practical be minimized so that (except for common greens and playground areas) these areas are not divided into numerous small parcels located in various parts of the development.
- (9) When Conservation Lands (section 1082.A.2.b of this Ordinance) are held in common by surrounding parcel owners the proposed site plan shall:
  - (a) Provide for active recreational areas in suitable locations that offer convenient access by residents and adequate screening from near by parcels in the buildable area(s).
  - (b) Include a pedestrian circulation system designed to assure that pedestrians can walk safely and easily on the site, between parcels, activity areas, special features, and contiguous developments.
  - (c) Ownership of conservation Lands (section 1082.A.2.b of this Ordinance) may remain with the owner of the parent parcel, a homeowners association made up of parcel owners in the development, the City, or a recognized non-profit land conservancy.
  - (d) Conservation Lands (section 1082.A.2.b of this Ordinance) created pursuant to option 2, section 1082.A.2 of this Ordinance may be used for any permitted use allowed in the respective zoning district pursuant if the parcel contains a large enough buildable area and if said use is permitted by the conservation easement and the Open Space Preservation Act (Act 179 of 2001). Such parcels shall be covered by a conservation easement prohibiting the further splitting or development of these lands in the future. Such conservation easement shall be held jointly by both the City and one of the following: a homeowners association made up of parcel owners in the development or a recognized non-profit land conservancy.

**B. Application and Site Plan Review Process:**

- 1. A pre-application conference between the applicant, the site designer, and the administrator to discuss the applicant's objectives and how these may be achieved under this Ordinance is encouraged for all parcels to be split under provisions of Option 1, section 1082A.1 of this Ordinance. Engineering, site plans, or surveys, shall not be required for the pre-application conference and shall not be accepted or reviewed at the pre-application conference. If necessary a site visit may be scheduled during the pre-application conference.
- 2. A pre-application conference between the applicant, the site designer, and the administrator to discuss the applicant's objectives and how these may be achieved under this Ordinance shall be mandatory for all parcels to be split under provisions of Option 2, section 1082.A.2 of this Ordinance. Engineering, site plans, or surveys, shall not be required for the pre-application conference and shall not be accepted or reviewed at the pre-application conference. If necessary a site visit may be scheduled during the pre-application conference.

3. The application shall then be processed under the Special Use Permit, Section 8601 et. seq. of this Ordinance, and Planned Unit Development Districts Section 8801 et. seq. of this Ordinance. The municipality shall simultaneously approve the land division splits as part of the review.
3. That Article 27: Multiple Use District be amended to add under Regulations and Standards item 2704.F as follows:
  - F. New parcels shall only be created pursuant to P.A. 288 of 1967, as amended (being the Land Division Act; M.C.L. 560.101 et. seq.).
4. That Article 29: Transition District be amended to add under Regulations and Standards item 2904.F as follows:
  - F. New parcels shall only be created pursuant to P.A. 288 of 1967, as amended (being the Land Division Act; M.C.L. 560.101 et. seq.).
5. That Article 40: R-1 Residential District be amended to add under Regulations and Standards item 4004.E as follows:
  - E. New Parcels may be created pursuant to P.A. 288 of 1967, as amended, (being the Land Division Act, M.C.L. 560.1901 et. seq.) or as provided in section 1082.A of this Ordinance.
6. That Article 42: R-2 (Special) Residential District be amended to add under Regulations and Standards item 4204.F as follows:
  - F. New Parcels may be created pursuant to P.A. 288 of 1967, as amended, (being the Land Division Act, M.C.L. 560.1901 et. seq.) or as provided in section 1082.A of this Ordinance.
7. That Article 44: R-3 Residential District be amended to add under Regulations and Standards item 4404.E as follows:
  - E. New parcels shall only be created pursuant to P.A. 288 of 1967, as amended (being the Land Division Act; M.C.L. 560.101 et. seq.).
8. That Article 46: R-4 Residential District be amended to add under Regulations and Standards item 4406.E as follows:
  - E. New parcels shall only be created pursuant to P.A. 288 of 1967, as amended (being the Land Division Act; M.C.L. 560.101 et. seq.).

9. That Article 48; R-5 Residential District be amended to add under Regulations and Standards item 4408.E as follows:

E. New parcels shall only be created pursuant to P.A. 288 of 1967, as amended (being the Land Division Act; M.C.L. 560.101 et. seq.).

10. **CONFLICTING ORDINANCES:** All other ordinances and parts of ordinances, or amendments hereto, of the Manistee City in conflict with the provision of this ordinance are hereby repealed.
11. **EFFECTIVE DATE:** This Ordinance shall take effect on \_\_\_\_\_ upon publication in the Manistee News Advocate.

\_\_\_\_\_  
Richard Mack, Mayor                      Dated

ATTEST:

\_\_\_\_\_  
Michelle Wright                      Dated  
City Clerk

## Request to Split & Combine a Parcel

Name and Address of Applicant: Bob Lymaw REAL ESTATE AGENT  
FOR CSX REAL PROPERTY

P.O. Box 793 MAWISTEE, MI 49660

Signature Bob Lymaw

Phone Numbers: Home 231-889-4571 Work 231-723-9095

Name and Address of other parties who have an interest: BNC. CORP.

(BRIAN SEIFERLEIN) 221 OLD LAKE WATERFORD,  
MI 48327

Signature \_\_\_\_\_

Phone Numbers: Home N/A. Work 800-978-0499

Parcel Identification Numbers for all parcels involved: SUBJECT PROPERTY  
51-51-101-325-01

ADJOINING PROPERTY #s LOT 19- 51-51-146-725-19 &  
LOT #1 - 51-51-146-724-01

Reason for request: PROPERTY BEING SOLD IS PER  
SURVEY & DOES NOT INCLUDE PROPERTY ON  
E SIDE OF US-31.

Attach a sketch or site plan of all parcels involved in the request. The sketch must include the location of buildings and/or structures, building set-backs, streets, street names and lot dimensions.

Fee: \$50.00 for first split + \$25.00 for each additional split. Receipt # 978



LYMAN REAL ESTATE  
07/25/02 13:55 FAX 248 355 8515  
LYMAN REAL ESTATE

231 723 8503  
FIRST MOUNTAIN MORTGAGE  
231 723 8603

07/25/02 02:15pm P. 202  
07/25/02 02:05pm P. 022


0001

July 25, 2002

City of Manistee  
70 Maple Street  
Manistee, Michigan 49660

Denise Blakeslee

It is the intent of BNC Corporation to combine parcels  
51-51-146-724-01, 51-51-146-725-19 and parcel being split  
from parent parcel being part of 51-51-101-325-01.

  
Brian Seidenstein  
BNC Corporation

North

Parcel Split &  
Combination Request  
B.N.B. Corp.  
Rob Lyman Real Estate - Agent

Cleveland Street (U.S. 31)

101-325-01

Taylor Street

U.S. 31 Bridge

Memorial Drive

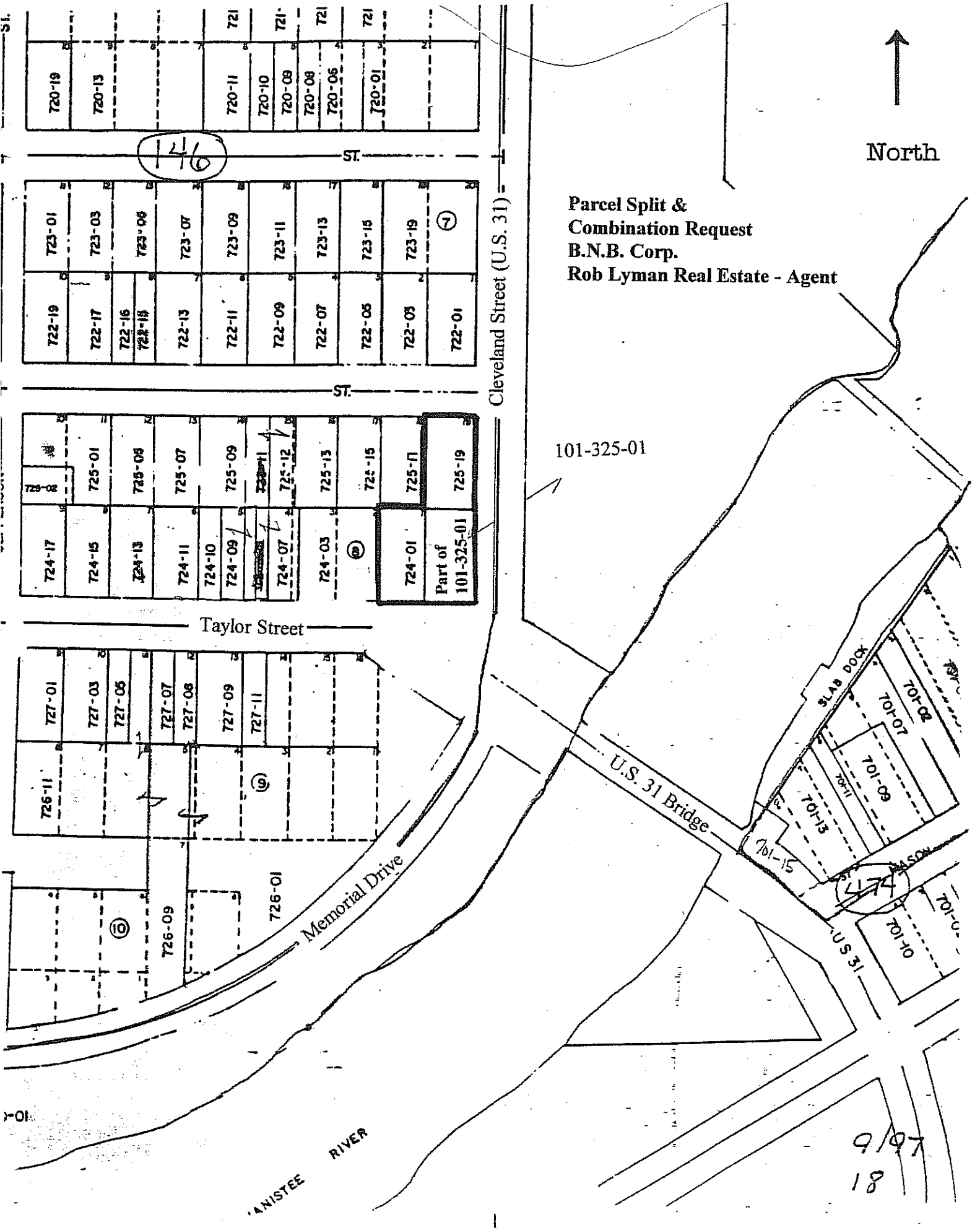
ANISTEE RIVER

9/97  
18

146

Part of  
101-325-01

1474



# CERTIFICATE OF SURVEY

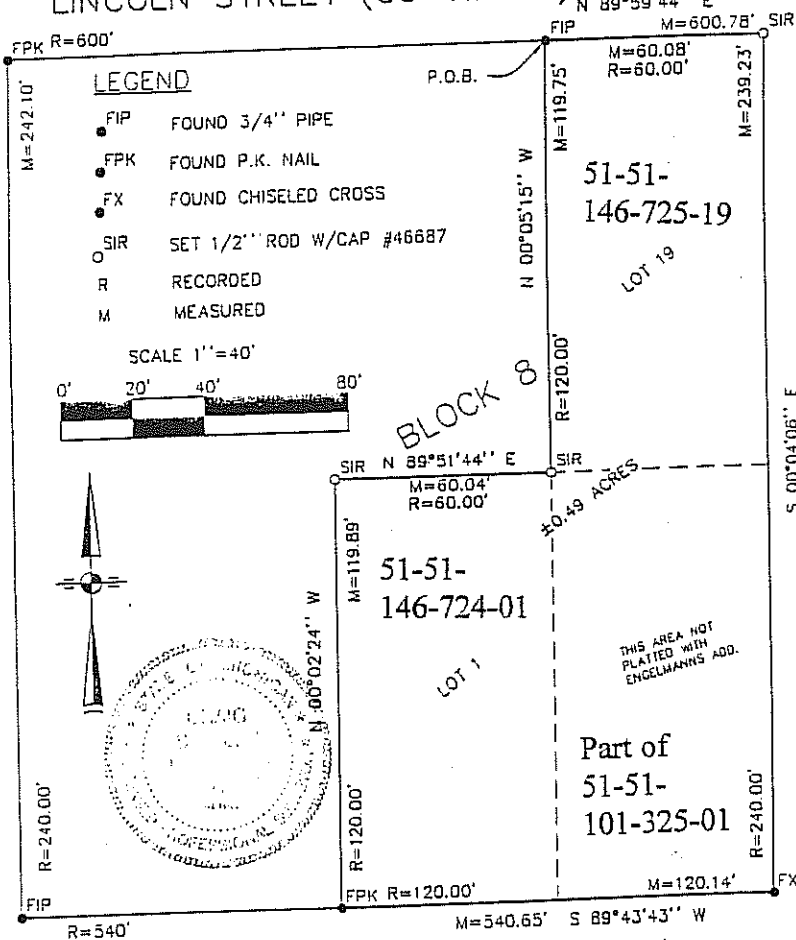
I, CRAIG R. STAPLEY, A LICENSED PROFESSIONAL SURVEYOR, NUMBER 46687, IN MICHIGAN, CERTIFY THAT THIS DRAWING IS AN ACCURATE REPRESENTATION OF A BOUNDARY SURVEY PERFORMED UNDER MY DIRECTION FOR THE FOLLOWING DESCRIBED PARCEL OF LAND:

A PARCEL OF LAND IN THE PLAT OF ENGELMANN'S ADDITION, AND IN SECTION 1, TOWNSHIP 21 NORTH, RANGE 17 WEST, CITY OF MANISTEE, MANISTEE COUNTY, MICHIGAN, DESCRIBED AS: BEGINNING AT THE NORTHWEST CORNER OF LOT 19, BLOCK 8, ENGELMANN'S ADDITION; THENCE NORTH 89°59'44" EAST, ALONG THE NORTH LINE OF SAID LOT 19, 60.08 FEET, TO THE EAST LINE OF SAID BLOCK 8; THENCE SOUTH 00°04'06" EAST, ALONG SAID EAST LINE 239.23 FEET, TO THE SOUTH LINE OF SAID BLOCK; THENCE SOUTH 89°43'43" WEST, ALONG SAID SOUTH LINE, 120.14 FEET; THENCE NORTH 00°02'24" WEST, ALONG THE WEST LINE OF LOT 1, BLOCK 8, 119.89 FEET, TO THE SOUTH LINE OF LOT 18, BLOCK 8; THENCE NORTH 89°51'44" EAST, ALONG SAID SOUTH LINE 60.04 FEET, TO THE WEST LINE OF SAID LOT 19, BLOCK 8; THENCE NORTH 00°05'15" WEST, ALONG SAID WEST LINE 119.75 FEET TO THE POINT OF BEGINNING.

LINCOLN STREET (66' R.O.W.)

JEFFERSON STREET (60' R.O.W.)

CLEVELAND STREET (66' R.O.W.)



TAYLOR STREET (66' R.O.W.)

*Craig Stapley*

CRAIG R. STAPLEY  
LICENSED PROFESSIONAL SURVEYOR No. 46687  
ABONMARCHE CONSULTANTS, INC.

6/18/02

DATE OF CERTIFICATE

BEARING BASIS: PLAT OF ENGELMANN'S ADDITION.

THIS SURVEY COMPLIES WITH THE REQUIREMENTS OF ACT 132 OF THE PUBLIC ACTS OF 1970, AS AMENDED AND WAS PERFORMED WITH AN ERROR OF CLOSURE NO GREATER THAN 1 IN 5000.

PLAT OF SURVEY FOR:

LYMAN REAL ESTATE

CSX TRANSPORTATION, INC



ABONMARCHE CONSULTANTS, INC.

361 First Street  
Manistee, Michigan 49660  
231-723-1198  
FAX: 231-723-1194

95 West Main Street  
Benton Harbor, Michigan 49022  
616-927-2295  
FAX: 616-927-4639

ARCHITECTS / ENGINEERS / LAND SURVEYORS  
ENVIRONMENTAL / CONSTRUCTION MANAGEMENT

DATE: JUNE 10, 2002


DRAWN BY: CRS

SCALE: 1"=40'

SEC. 1 T. 21N R. 17W

July 25, 2002

TO: Members of the Planning Commission

FROM: Jon R. Rose   
Community Development

RE: Parcel Split & Combination Request - CSX Real Property & B.N.C. Corp.

I have reviewed the request from Bob Lyman Real Estate Agent for CSX Real Property and B.N. C. Corp who are asking for a Parcel Split and Combination Request. Review of the proposed split & combination shows that all the requirements of the Zoning Ordinance have been met.

JRR:djb



231-723-2558  
FAX 231-723-1546

70 Maple Street • P.O. Box 350 • Manistee, Michigan 49660

July 25, 2002

Jerry Adams  
LSL  
15 Ionia S.W. Suite 450  
Grand Rapids, MI 49503

Dear Jerry,

I am writing this letter on behalf of the City of Manistee Planning Commission members. Members expressed their concerns during the July 18, 2002 meeting over the lack of a "draft" copy of the Master Plan update. We have been promised a draft copy since April/May.

Members are concerned about beating the January 9, 2003 deadline imposed by the new Planning Legislation. The additional expense and additional amount of time and paper work that would be created by not making the deadline is a sincere concern to the Planning Commission.

We need to begin reviewing a draft of our plan as soon to allow time for any needed changes prior to the Public Hearing. Please contact me at your earliest convenience so I will be able to respond to the members concerns and give them a firm date on when a draft will be received.

Sincerely,

CITY OF MANISTEE

Jon R. Rose  
Community Development

JRR:djb

cc: Planning Commission Members